THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26483 of 2006

Issue operative portion of the
Order by wire:

In view of the above, without expressing any opinion on merits, respondents are directed not to interfere with the peaceful possession and enjoyment of the properties of the petitioners in their respective survey numbers i.e., 283,284,285,287,288, 290, 291, 292, 294, 295 & 296 situated at Khanaipally Village, Kothakota Mandal, Mahabubnagar District, otherwise than in due process of law, neither by digging the properties nor by any other activities.

Writ petition is disposed of accordingly. No costs.

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22-12-2006

Note:
After dispatch of the
Order, the bundle may be

Sent to the CM Section
(B.O)rkk

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26483 of 2006

Dated:22.12.2006

Between
The Gram Panchayat, Yedurlanka
I.Polavaram Mandal, East godavari
District rep., by its Sarpanch.

.....Petitioners

and

1.The Superintendent Engineer,
Irrigation Circle, Dowleswaram,
East Godavari District and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26483 of 2006

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in seeking to deprive the properties of petitioners in Sy.Nos.283, 284, 285, 287, 288, 290, 291, 292, 294, 295 and 296 situated at Khanaipally village, Kothakota Mandal, Mahabubnagar District for the purpose of construction of canal under Rajeev Gandhi Lift Irrigation Scheme project II (Bima Project), without acquiring the same under the provisions of Land Acquisition Act (for short 'the Act'), as arbitrary and illegal and violative of

Article 300-A of Constitution of India.

It appears that the petitioners are agriculturists and owns different extents of lands in survey numbers mentioned above. While so, the 1st respondent has proposed to construct a canal on Bima Project, which is named as Rajeev Lift Irrigation Scheme Project-II. Several properties have been acquired for the said purpose, which are coming under submergence under the said project. The properties belonging to the petitioners have not been acquired by the respondents at any point of time by issuing notification under Section 4 (1) of the Act. It is their contention that no draft notification and no draft declaration proposals were issued for the purpose of acquiring the petitioners' properties. However, on 8.12.2006 when the petitioners were attending to their agricultural activities, the 3rd and 4th respondents along with one Tirupathi Reddy have come to their lands and started digging the properties stating that the above property is being acquired for the purpose of Bima Project. The petitioners questioned their right to

enter into the property without issuing any notification under Section 4 (1) of the Act. But, the respondents have sought to take possession of the properties from the petitioners forcibly by stating that notification and the consequential proceedings would be initiated later on, and in view of urgency, possession of the properties would be taken.

In view of the above, without expressing any opinion on merits, respondents are directed not to interfere with the peaceful possession and enjoyment of the properties of the petitioners in their respective survey numbers i.e., 283,284,285,287,288, 290, 291, 292, 294, 295 & 296 situated at Khanaipally Village, Kothakota Mandal, Mahabubnagar District, otherwise than due process of law, neither by digging the properties nor by any other activities.

Writ petition is disposed of accordingly. No costs.

22-12-2006

rkk